

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

UNITED STATES OF AMERICA )  
                                )  
                                )  
                                ) Case No. 1:04CR00009-001  
                                )  
v.                            )  
                                )  
                                )  
                                )  
                                )  
**TRADON MARQUEZ DRAYTON,** ) **FINAL ORDER**  
                                )  
                                )  
                                ) By: James P. Jones  
                                ) United States District Judge  
                                )  
                                )  
Defendant.                  )

For the reasons set forth in the Opinion accompanying this Final Order, it is  
**ORDERED** as follows:

1. The defendant's motion (ECF No. 585) is DENIED, and the defendant's submission is CONSTRUED as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28. U.S.C.A. § 2255;
2. The Clerk is DIRECTED to redocket the motion (ECF No. 585) as a § 2255 motion;
3. The § 2255 motion is hereby DENIED without prejudice as successive and stricken from the active docket; and

4. A certificate of Appealability is DENIED, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: August 20, 2012

/s/ James P. Jones  
United States District Judge